IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20801 of 2004

Between:

Smt. R. Ramanamma, W/o. Sita Ramaiah, Implementing Agency for Mid –Day Meal, Member of the Dwacra Group, R/o. Sunkeshupalli, Porumamilla Mandal, Kadapa Dist.

..... PETITIONER

AND

1 The District Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Porumamilla Mandal, Kadapa District.
3 The Mandal Educational Officer, Porumamilla Mandal, Kadapa District.
4 Arakacharla Guramma, W/o. Krishnaiah,Implementing Agency, M.P.U.P. School, Sunkeshulapalli village, Porumamilla Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent dt. 12.10.2004 in Ref. No. A/131/2004 as illegal, arbitrary and in violation of Article 14 of the constitution of India and the guidelines issued in G.O.Ms.No.94, Education (SE-PROG-1) Department, dt. 25.11.2002 and principles of natural justice and further declaring in action on the part of the 1st respondent considering the representation dt. 25.10.2004 and 02.11.2004 submitted by the petitioner as well as the Chairman of the Vidhya Committee and consequently direct the respondents to continue the petitioner as implementing agency of Mid-day programme for the M.P.U. School,

Sumkesupalli, Porumamilli Mandal, Kadapa District.

Counsel for the Petitioner:MR.P.MADHUSUDHAN RAO

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR. K. RATHANGAPANI REDDY

The Court, at the stage of admission, made the following :

ORDER

Petitioner, who was appointed as an Implementing Agency for supplying midday meals to the students of Mandal Parishad Upper Primary School, Sunkeshupalli Village, Porumamilla Mandal, Kadapa District, filed this writ petition questioning the proceedings issued by the Mandal Revenue Officer-second respondent herein dated 12.10.2004 in Ref:A/131/2004. By the impugned proceedings, the second respondent removed the petitioner and appointed Smt. Arakacharla Guramma-fourth respondent as Implementing Agency to take up the midday meals scheme. The learned counsel for the petitioner contends that without there being any complaint and without any prior notice removing the petitioner and appointing the fourth respondent as the Implementing Agency for midday meals scheme is illegal, arbitrary and the same is liable to be dismissed.

Since the District Collector, who is the competent authority to implement the scheme in accordance with the guidelines and it is the Joint Collector under whose jurisdiction the process of selection and appointment of implementing agency in the entire district is monitored, if the selection and appointment of the fourth respondent is contrary to the guidelines, petitioner can approach the Joint Collector or the District Collector, as the case may be, by filing a representation. On filing such representation, it is for the said authority to consider the representation and pass appropriate orders within a period of two weeks from the date of making such representation.

The writ petition is disposed of accordingly. No costs.

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A. GOPAL REDDY. J.

11th November, 2004

tsr.

To

1 The District Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Porumamilla Mandal,
Kadapa District.
3 The Mandal Educational Officer, Porumamilla Mandal, Kadapa District

4. Two C.C.s to Government Pleader for Revenue, High Court Buildings,
Hyderabad.(OUT)

5. Two C.D. copies.